

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID MAGERR

v.

CITY OF PHILADELPHIA

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CIVIL ACTION

NO. 15-4264

ORDER

AND NOW, this 11th day of April, 2016, upon consideration of Defendant City of Philadelphia's Motion to Dismiss (Docket No. 2), and all documents filed in connection therewith, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. The Motion is **GRANTED** as to the discrimination claims asserted in Counts I, III, IV, V, and VI, and the discrimination claims asserted in those Counts are **DISMISSED** with leave to amend to the extent that Plaintiff can cure the deficiencies identified in the accompanying Memorandum.
2. The Motion is **GRANTED** as to the hostile work environment claims asserted in Counts I through VI, and the hostile work environment claims asserted in those Counts are **DISMISSED** with leave to amend to the extent that Plaintiff can cure the deficiencies identified in the accompanying Memorandum.
3. The Motion is **DENIED** in all other respects.
4. Any amended complaint shall be filed on or before May 2, 2016.
5. If Plaintiff does not file an amended complaint, Defendant shall answer or

otherwise respond to the discrimination claim asserted in Count II by May 9, 2016.

BY THE COURT:

/s/John R. Padova

John R. Padova, J.